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Inventors: Ward and Watt
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Page 6

REMARKS

Claims 1-20 are pending in this application. Claim 3 has been canceled. Claims 1 and 11 have been amended. No new matter has been added by this amendment. Reconsideration is respectfully requested in view of these amendments and the following remarks.

The Examiner has made a restriction requirement under 35 U.S.C. §121 and 37 C.F.R. §1.141. The Examiner suggests that claim 3 specifically claims antisense SEQ ID NOs. 1, 13-15, 17-19, 21-24, 26-29, 31, 33, 37, 39-43, 45-47, 49, 51, 53-57, 59-65, 67, 70-80 and 82-88 which are targeted to and modulate the expression of a nucleic acid encoding Ribonuclease L. Although the antisense sequences claimed each target and modulate expression of the same gene, the instant sequences are suggested to be unrelated. The Examiner suggests that each sequence has a unique nucleotide sequence and targets a different and specific region of a nucleic acid encoding ribonuclease L, and each antisense, upon binding to a nucleic acid encoding ribonuclease L, functionally modulates the expression of the gene to a varying degree. It is further suggested that a search of more than one of the antisense sequences claimed in claim 3 presents an undue burden on the Patent and Trademark Office due to the complex nature of the search and

corresponding examination of more than one of the claimed antisense sequences. Applicants have been required to elect one antisense sequence from claim 3. Applicants respectfully traverse this restriction requirement.

The criteria which must be met for a restriction requirement to be proper are set forth in MPEP §803 and include: (1) that the inventions be independent or distinct and (2) that there would be a serious burden on the Examiner if the restriction is not required. MPEP 802.01 defines "distinct" to mean that the "two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made there, etc., but are capable of separate manufacture, use, or sale, as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER." Clearly all of the sequences are related to the same technical features, namely, Ribonuclease L expression and its components, and therefore do not meet this definition of distinct.

Further, there would be no burden on the Examiner due to additional searching, if the restriction is not made. Clearly any search performed to identify art relating to Ribonuclease L

expression modulation would identify the relevant art to all of the sequences.

Accordingly, since the instant restriction requirement fails to meet either of the two criteria for proper restriction, withdrawal of the requirement is respectfully requested. In an earnest effort to be completely responsive and to further clarify the invention, Applicants have canceled claim 3. Claims 1 and 11 have been amended to clarify that the claimed invention is a compound targeted to a nucleic acid molecule encoding ribonuclease L(SEQ ID NO:3). Support for this amendment is found throughout the specification and at page 80, line 4. Applicants hereby elect to prosecute SEQ ID NO:3, with traverse.

Respectfully submitted,

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